

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEANNA HUGHES, et al.,

Plaintiffs,

v.

CITY OF SAN RAFAEL, et al.,

Defendants.

Case No. 4:23-cv-01063-YGR

**ORDER DENYING PRELIMINARY
INJUNCTION**

Dkt. No. 2

On March 9, 2023, this Court granted plaintiffs' request for a temporary restraining order (TRO) enjoining defendants from removing plaintiffs from Albert Park until after a hearing could be held on March 20 before this Court. (Dkt. No. 9.) Plaintiffs' claims are based on defendants alleged plan to forcibly remove them from Albert Park in San Rafael during a projected storm on March 13, 2023.

The Court also ordered further briefing regarding preliminary injunctive relief. Given that the alleged harm, removal on March 13, would pass before the Court could hold a preliminary injunction hearing, it was not clear to the Court what, if any, injunctive relief plaintiffs sought. Plaintiffs' submitted briefing requesting various forms of relief, including that the city be enjoined from sharing their personal information in violation of Welfare and Institutions Code section 10850(a), various relief related to the handling of plaintiffs' property, and an extension of the TRO to restrain defendants from moving their encampment until "there is certainty that the weather is going to be clear." (Dkt. No. 14 at 2.)

As addressed at the March 20 hearing, the relief sought goes beyond the allegations of the complaint and thus beyond this Court's injunctive authority. *Cottonwood Env't L. Ctr. v. Gianforte*, No. 20-36125, 2022 WL 612673, at *2 (9th Cir. Mar. 2, 2022) ("While the district court has broad equitable power to remedy legal violations" through injunctive relief [citation] it

1 does not have the authority to issue an injunction based on claims not pled in the complaint.”)
 2 (cleaned up) (quoting *LA All. for Human Rights v. County of Los Angeles*, 14 F.4th 947, 961 (9th
 3 Cir. 2021)). Further, the urgency upon which the original order was issued has passed and
 4 defendant has had an opportunity to respond.


5 **NOW THEREFORE, AND GOOD CAUSE APPEARING:**

6 The Court hereby dissolves the temporary restraining order. The request for preliminary
 7 injunctive relief is **DENIED**. Plaintiffs may file an amended complaint by April 24, 2023. If they
 8 do so, defendants shall file a response 30 days thereafter. If plaintiffs do not file an amended
 9 complaint, the Court will dismiss this action *sua sponte*.¹

10 This terminates Docket No. 2.

11 **IT IS SO ORDERED.**

12 Dated: March 20, 2023

13 
 14 YVONNE GONZALEZ ROGERS
 15 UNITED STATES DISTRICT COURT JUDGE
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27

28 ¹ *Sua sponte* means the Court will do so on its own, without further action by either party.